

DOCKET NO.: LLI -CV-21-5014019-S : SUPERIOR COURT OF
CONNECTICUT

JON A. GOODWIN : JUDICIAL DISTRICT OF
LITCHFIELD

v. : AT LITCHFIELD

RAYMOND J. MILOT JUNIOR : JANUARY 5, 2026

DEFENDANT RAYMOND MILOT’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Practice Book section 17-44, *et seq.*, the Defendant Raymond Milot (hereinafter known as the “Defendant”), hereby moves for summary judgment as to the Counts Five through Seven, Eleven, Twelve, Eighteen through Twenty-Two, and Thirty-Three the Plaintiff’s Complaint dated October 8, 2021.

As more particularly set forth in the accompanying memorandum of law and exhibits attached hereto, the Plaintiff, Jon A. Goodwin (hereinafter known as the “Plaintiff”), alleges the following as to Defendant Raymond Milot: Slander per se (Count 5), Slander per se (Count 6) Invasion of Privacy-False Light (Count 7), Defamation (Count 11), Invasion of Privacy-False Light (Count 12), Slander (Count 18), Invasion of Privacy-False Light (Count 19), Invasion of Privacy-False Light (Count 20), Batter (Count 21), Assault (Count 22), Invasion of Privacy-False Light (Count 26), Tortious Interference with Business Relationships and Expectations (Count 31), Intentional Spoliation of Evidence (Count 32), Intentional Infliction of Emotional Distress (Count 33), and Vicarious Liability for the Torts of Minors (Count 34). The Defendant asserts

**ORAL ARGUMENT REQUESTED
TESTIMONY NOT REQUIRED**

that there is no dispute as to any material facts with respect to Counts Five through Seven, Eleven, Twelve, Eighteen through Twenty-Two, and Thirty-Three, and therefore is entitled to Summary Judgment as a Matter of Law for the reasons set forth in the accompanying Memorandum of Law.

WHEREFORE, the Defendant, Raymond Milot, through the undersigned counsel, hereby respectfully requests that the Court grant his Motion for Summary Judgment as to Counts Five through Seven, Eleven, Twelve, Eighteen through Twenty-Two, and Thirty-Three of the Plaintiff's Complaint.

RESPECTFULLY SUBMITTED,

THE DEFENDANT
RAYMOND MILOT

By: /s/ 430824
Robert A. Salerno
His Attorney

ORDER

The foregoing Motion for Summary Judgment having been heard by the Court, it is hereby ORDERED:

GRANTED/DENIED

JUDGE/CLERK

CERTIFICATION

I hereby certify that a copy of the foregoing was sent to the following counsel and/or pro se parties of record by first class mail, postage prepaid, and/or fax or email this 5th day of January 2026: Jon A. Goodwin, 34 North Franklin Ave, Ste 687-2690, Pinedale, WY 82941, via email: jgoodwin@protonmail.com, John R. Williams, 51 Elm Street, Suite 409, New Haven, CT 06510, via email: jrw@johnrwilliams.com.

/s/ 430824

Robert A. Salerno
Commissioner of the Superior Court

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**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT RAYMOND MILOT’S
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Connecticut Practice book section 17-44, the Defendant submits this Memorandum of Law in support of his Motion for Summary Judgment dated January 5, 2026. The Defendant respectfully submits that there is no genuine issue of material fact in dispute as to Counts Five through Seven, Eleven, Twelve, Eighteen through Twenty-Two, and Thirty-Three and he is entitled to judgment as a matter of law.

I. Factual Background

The Plaintiff, Jon A. Goodwin (hereinafter known as the “Plaintiff”), commenced this action by way of Writ, Summons, and Complaint on October 8, 2021, returnable to the Judicial District of Litchfield at Torrington on November 23, 2021. Named as Defendants were Raymond Milot (hereinafter known as the “Defendant”), Joanne M. Iurato, Robert Khalil, Karen Hardy-Massaró, Hannah M. Milot, Noah R. Milot, and Cameron R. Milot. All Defendants other than Raymond Milot have been removed from the proceedings as of the date of this filing. The Plaintiff’s Complaint dated October 8, 2021 remains the operative pleading.

The Complaint sounds in several counts, but the counts pertaining to the Defendant Raymond Milot are as follows: Slander per se (Count 5), Slander per se (Count 6) Invasion of Privacy-False Light (Count 7), Defamation (Count 11), Invasion of Privacy-False Light (Count

12), Slander (Count 18), Invasion of Privacy-False Light (Count 19), Invasion of Privacy-False Light (Count 20), Battery (Count 21), Assault (Count 22), Defamation (Count 25), Invasion of Privacy-False Light (Count 26), Tortious Interference with Business Relationships and Expectations (Count 31), Intentional Spoliation of Evidence (Count 32), Intentional Infliction of Emotional Distress (Count 33), and Vicarious Liability for the Torts of Minors (Count 34).

The Plaintiff's claims are based in the context of a litigious divorce between the Defendant and his former wife, Christine Jowdy, who later entered into an intimate relationship with the Plaintiff. Ms. Jowdy and Mr. Milot, at the time of the Plaintiff's claims, shared custody of the minor children.

The Plaintiff claims, in summation, that after the Defendant's divorce from Ms. Jowdy, the Defendant engaged in tortious behaviors in that the Defendant allegedly aided or encouraged his minor children to engage in tortious behaviors directed at the Plaintiff, that the Defendant publicized to third parties that the Plaintiff was "psycho," "abusive," and "under investigation by DCF," that the Defendant's conduct and encouragement of the minor children to engage in tortious behavior cause him to incur damage to his reputation and preventing him from being able to raise capital for his then-current business venture and future ventures, causing him to miss time from work, and being subject to threats and threatening conduct, embarrassment, humiliation, anxiety, scorn, derision, ridicule, and emotional distress.

On June 9, 2022, the Defendant filed an Answer denying all of the Plaintiff's allegations in the counts pertaining to him, with the exception of Count 5, Paragraph 11.

The Defendant now files this Motion for Summary Judgment, requesting that the Court grant judgment in favor of the Defendant as to Counts Five through Seven, Eleven, Twelve, Eighteen through Twenty-Two, and Thirty-Three of the Plaintiff's Complaint.

II. ARGUMENT

A. Standard of Review on a Motion for Summary Judgment:

Conn. Practice Book § 17-49 provides that Summary Judgment shall be rendered forthwith if the pleadings, affidavits and any other proof submitted show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. In deciding a Motion for Summary Judgment, the trial court must view the evidence in the light most favorable to the non-moving party. The party seeking summary judgment has the burden of showing the absence of any genuine issue of material facts which, under applicable principles of substantive law, entitle him to a judgment as a matter of law and the party opposing such a motion must provide an evidentiary foundation to demonstrate the existence of a genuine issue of material fact. A material fact is a fact which will make a difference in the result of the case.

B. Counts Five: Slander *Per Se*

In Count Five of the Plaintiff's complaint, the Plaintiff alleges that from on or about October 10, 2019 until a date uncertain, Raymond Milot orally repeated the false accusation of Defendant Joanne Iruato that the Plaintiff abused Noah Milot, including by placing him in a "basket hold" to persons whose identities are presently known and not known to the Plaintiff, including the Plaintiff's neighbors and other members of the community in which he lives. See Complaint Count 5 ¶12.

There is no genuine issue of material fact that the alleged statements made by Raymond Milot, even if true, were an exercise of first amendment free speech on a matter of public concern related to health or safety.

Connecticut General Statutes section 52-196a(2) defines the right of free speech in this context as “communicating, or conduct furthering communication, in a public forum on a matter of public concern.” C.G.S. §52-196a(2). Further, a “matter of public concern” is defined as “an issue related to (A) health or safety, (B) environmental, economic or community well-being, (C) the government, zoning and other regulatory matters, (D) a public official or public figure, or (E) an audiovisual work.” C.G.S. §52-196a(1).

The Plaintiff cited Dr. Joanne Iruato as a Defendant in this case regarding the alleged false statement she made to the Department of Children and Families about the Plaintiff. Dr. Joanne Iruato was removed as a Defendant following a special motion to dismiss filed by her. In its memorandum of decision, the Court (Lynch, J.) granted Dr. Joanne Iruato’s special motion to dismiss, noting a striking similarity between this case and the case of Day v. Dodge. In Day, the court dismissed claims against defendants who reported one of the plaintiffs to the state police for the alleged sexual abuse of a child, finding that the defendants in that case were petitioning the government on a matter of significant public concern and fell into the category of community well-being. Day v. Dodge, No. KNLCV186035362S, 2019 WL 994532, at *3 (Conn. Super. Ct. Jan. 25, 2019).

While the Defendant and the undersigned do not seek to file a special motion to dismiss here, the arguments are analogous and are appropriate for Summary Judgment. The Court (Lynch, J.) has already found that Dr. Joanne Iruato’s speech was a petition to the government on a matter

of public concern and that the Plaintiff had not established probable cause that he would prevail in his claims against Dr. Iurato. See Memorandum of Decision on Motion (#106.20). With respect to Defendant Raymond Milot, the Plaintiff simply alleges that Mr. Milot repeated the same accusations that Dr. Iurato allegedly made. Taking the pleadings in a light most favorable to the Plaintiff, even if the Defendant did relay the information he obtained by Dr. Joanne Iurato, those statements have been found to be matter of public concern. Therefore, there is no genuine issue of material fact that the Defendant's statements, if true, are protected by the first amendment, and the Defendant is entitled to judgment as a matter of law.

Count Six and Eighteen: Slander *Per Se*

In Count Six of the Plaintiff's Complaint, the Plaintiff alleges that on or after October 10, 2019 until a date uncertain, the Defendant maliciously, orally stated, to persons whose identities are presently known and not known to the Plaintiff, including the Plaintiff's neighbors and other members of the community in which he lives, that the plaintiff is subject to an investigation by DCF for abusing Noah Milot. See Complaint Count 6, ¶15.

In Count Eighteen of his complaint, the Plaintiff alleges a variety of incidents of physical violence involving the minor children and the Plaintiff, statements relayed to the Plaintiff by the minor children that the Defendant intended to "get him" (i.e. the Plaintiff), that the Defendant was going to get a restraining order against the Plaintiff, and that the Defendant was going to "use poison" on the Plaintiff and Ms. Jowdy. The Plaintiff further alleges that the Defendant stated to a New Milford Police Officer that the Plaintiff was "psycho," "abusive," and "under investigation by DCF." See Complaint Count 18, ¶42.

Statements deemed defamatory *per se* are ones in which the defamatory meaning of the speech is apparent on the face of the

statement... Our state has generally recognized two classes of defamation *per se*: (1) statements that accuse a party of a crime involving moral turpitude or to which an infamous penalty is attached, and (2) statements that accuse a party of improper conduct or lack of skill or integrity in his or her profession or business and the statement is calculated to cause injury to that party in such profession or business.

Stevens v. Khalily, 220 Conn. App. 634, 646-47 (2023). The modern view of requirement number one in proving defamation *per se* is that the crime alleged be a chargeable offense which is punishable by imprisonment. Battista v. United Illuminating Co., 10 Conn. App. 486, 498 (1987).

In the case at hand, the Plaintiff does not allege in Counts Six or Eighteen of his Complaint that the Defendant made any statement which accuses the Plaintiff of a crime. Rather, the Plaintiff claims that a third party, Joanne Iurato, reported to the Department of Children and Families that the Plaintiff abused Noah Milot. Additionally, the Plaintiff does not claim in Count Six of his Complaint that the Defendant accused him of improper conduct or lack of skill or integrity. Rather, the Plaintiff claims that the Defendant stated to third persons that the Plaintiff was the subject of a DCF investigation. The Plaintiff's claims that the Defendant stated that he intended to "get him" (i.e. the Plaintiff), that the Defendant was going to get a restraining order against the Plaintiff, and that the Defendant was going to "use poison" on the Plaintiff and Ms. Jowdy do not fall into any of the requisite categories either. Even taking these allegations as true, the statements are not accusing the Plaintiff of a crime of any kind, nor are they representations about the Plaintiff's skill or integrity. The statements are simply comments about the *Defendant's* potential conduct. Thus, even while considering the facts in a light most favorable to the Plaintiff, there is no genuine issue of material fact that the Defendant made statements which constitute slander *per se*, and therefore, the Defendant is entitled to judgment as to Count Six as a matter of law.

However, if the Court were to hold that there is a genuine issue of material fact as to the statement allegedly made by the Defendant, the Plaintiff's claim must still fail based upon truth.

"[T]he rule in Connecticut is that the truth of the allegedly defamatory statement of fact provides an absolute defense." Crismale v. Walston, 184 Conn. App. 1, 18 (2018). The Plaintiff was in fact involved in an investigation with the Department of Children and Families regarding the Defendant's minor child, Noah Milot. The Plaintiff admits as such in his pleadings in this very case. In the Plaintiff's Reply to Defendant Milot's Request for a Protective Order (#167.00), the Plaintiff attached Exhibit A (also attached hereto as Exhibit A), which is a copy of the Connecticut Department of Children and Families Notice of Investigation Results DCF-2210, addressed to Jon Goodwin and dated December 13, 2019, regarding an allegation of physical abuse of Noah Milot. While the findings of the Notification of Investigation Results were unsubstantiated, the very existence of this Notification is proof in itself that the Plaintiff was the subject of an investigation by DCF.

The alleged statements that the Plaintiff was "psycho" and "abusive" laid out in Count Eighteen of the Plaintiff's complaint similarly fail as they are matters of opinion.

A statement of fact can be defined as factual if it relates to an event or state of affairs that existed in the past or present and is capable of being known. In a [slander] action, such statements of fact usually concern a person's conduct or character. An opinion, on the other hand, is a personal *comment* about another's conduct, qualifications or character that has some basis in fact. This distinction between fact and opinion cannot be made in a vacuum, however, for although an opinion may appear to be in the form of a factual statement, it remains an opinion "if it is clear from the *context* that the maker is not intending to assert another objective fact but only his personal comment on the facts which he has stated."

Goodrich v. Waterbury Republican-American Inc., 188 Conn. 107, 111-12 (1982) (internal citations omitted) (emphasis in original).

Taking into consideration the context of the Defendant's statements to the New Milford Police Department, it is clear that the statements, if true as alleged, were not intended to assert another objective fact, but rather, the Defendant's personal comments on facts which were already stated. The Plaintiff was the subject of an investigation by DCF, which has been discussed previously herein, and the alleged statements that the Plaintiff was "psycho" and "abusive" were the Defendant's personal comments grounded in the fact that the Plaintiff was being investigated at the time.

Thus, there is no genuine issue of material fact that the Defendant's alleged statements were true, and the Defendant is entitled to judgment as a matter of law.

C. Count Seven, Count Twelve, Count Nineteen, & Count Twenty: Invasion of Privacy – False Light

In Count Seven of the Plaintiff's Complaint, the Plaintiff, incorporating paragraph fifteen of Count Six, alleges that on or after October 10, 2019 until a date uncertain, the Defendant maliciously, orally stated, to persons whose identities are presently known and not known to the Plaintiff, including the Plaintiff's neighbors and other members of the community in which he lives, that the plaintiff is subject to an investigation by DCF for abusing Noah Milot. See Complaint Count 6, ¶15.

In Count Twelve, the Plaintiff re-alleges the facts contained in Count Eleven wherein he claims, *inter alia*, that the minor child, Hannah Milot, aided by the Defendant, falsely reported to her school staff that the Plaintiff abused Noah Milot, that the school staff subsequently contacted DCF. See Complaint Count 11, ¶24.

In Counts Nineteen and Twenty of the Plaintiff's Complaint, he re-alleges the facts laid out in paragraphs thirty-seven through forty-six of Count Eighteen, claiming incidents of physical violence involving the minor children and the Plaintiff, statements relayed to the Plaintiff by the minor children that the Defendant intended to "get him" (i.e. the Plaintiff), that the Defendant was going to get a restraining order against the Plaintiff, and that the Defendant was going to "use poison" on the Plaintiff and Ms. Jowdy. The Plaintiff further alleges that the Defendant stated to a New Milford Police Officer that the Plaintiff was "psycho," "abusive," and "under investigation by DCF." Count Twenty additionally alleges that the Defendant published, caused, or agree to publish private information to place the plaintiff in a false light with third parties causing them to file false reports regarding the Plaintiff with DCF and causing DCF personnel to investigate the Plaintiff.

To establish invasion of privacy by false light, the [plaintiff is] required to show that (a) the false light in which the other was placed would be highly offensive to a reasonable person, and (b) the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed.

Honan v. Dimyan, 52 Conn. App. 123, 132-33 (1999).

The essence of a false light privacy claim is that the matter published concerning the claimant (1) is not true... and (2) is such a major misrepresentation of [his] character, history, activities, or beliefs that serious offense may reasonably be expected to be taken by a reasonable [person] in [his] position.

Borg v. Cloutier, 200 Conn. App. 82, 109 (2020).

As to the falsity element of the tort of Invasion of Privacy – False Light, there is no genuine issue of material fact as to the truth of the Defendant's alleged statements, and therefore the

Plaintiff's claims must fail. As described previously herein, the Plaintiff *was* the subject of an investigation by DCF for abusing Noah Milot as evidenced by Exhibit A attached hereto.

Additionally, the Plaintiff's claim further fails in that the Defendant's alleged communications were not publicized. The Restatement (Second), Torts 652D, comment a provides the following:

'Publicity'... means that the matter is made public, by communicating it to the public at large, or to so many persons that the matter must be regarded as substantially certain to become one of public knowledge. The difference is not one of the means of communication... It is one of a communication that reaches, or is sure to reach, the public Thus it is not an invasion of privacy ... to communicate a fact concerning the plaintiff's private life to a single person or even to a small group of persons.... The distinction ... is one between private and public communications....

3 Restatement (Second) Torts, Invasion of Privacy §652D, comment a, p. 384 (1977).

The Plaintiff has provided nothing in his pleadings, his interrogatories, nor his production which would support his claim that the Defendant made his alleged statements to so many persons that the matter would be regarded as substantially certain to be one of public knowledge. The Plaintiff does not claim that the Defendant published the alleged statements online or to a large mass audience, but rather only claims that the Defendant's statement were made to a New Milford Police Officer and to persons known and not known, including members of the community in which he resided. Further, the Plaintiff's claims in Count Twelve regarding statements made by Hannah Milot that the Plaintiff abused Noah Milot were only reported to one individual – a school staff member. The reporting of information, even if false, to one individual does not constitute the level of publicity required to sustain a claim of Invasion of Privacy-False Light.

Further, the Plaintiff's claims that the Defendant's statements and sharing of "private information" caused third parties to file false reports regarding the Plaintiff with DCF are inapposite. It was his conduct and the minor children's disclosures to third parties that led to his DCF involvement.

Thus, there is no genuine issue of material fact as to the publicity of the alleged statement, and therefore, the Defendant is entitled to judgment as a matter of law.

D. Count Eleven: Defamation Per Se

In Count Eleven, the Plaintiff claims that the Defendant is liable for defamation. In support of his claim, the Plaintiff alleges, *inter alia*, that the Defendant claimed to the minor child Noah Milot that the Defendant intended to "get him" (i.e. the Plaintiff), and that following an altercation in the home of the Plaintiff and Ms. Jowdy, the minor child, Hannah Milot, aided by the Defendant, falsely reported to her school staff that the Plaintiff abused Noah Milot, that the school staff subsequently contacted DCF. See Complaint Count 11, ¶24.

At common law, "[t]o establish a prima facie case of defamation, the plaintiff must demonstrate that: (1) the defendant published a defamatory statement; (2) the defamatory statement identified the plaintiff to a third person; (3) the defamatory statement was published to a third person; and (4) the plaintiff's reputation suffered injury as a result of that statement." (internal quotation marks omitted).

Gleason v. Smolinski, 319 Conn. 394, 430 (2015). "When defamatory words are actionable per se, the law conclusively presumes the existence of injury to the plaintiff's reputation." Cohen v. Meyers, 175 Conn. App. 519, 545 (2017).

In Count Eleven, the Plaintiff specifically pleads in Count Eleven that *Hannah Milot* made a statement to a school staff member. Nowhere in this count does the Plaintiff claim that the

Defendant, Raymond Milot, personally published a defamatory statement to school staff, nor does he provide any relevant production that would support his claim. Rather, the Plaintiff makes a vague and unsupported claim that the Defendant “aided” his child in making a statement.

The Plaintiff also claims that the Defendant made a statement to the minor child, Noah Milot, that he intended to “get him” (i.e. the Plaintiff). This statement, while potentially actionable as a threat, is simply not defamatory in nature. Even while taking the allegations as true, while the statement identified the Plaintiff and was published to a third party, the statement does not provide any false accusation or narrative about the Plaintiff, his conduct, or his character. Rather, this statement, if taken as true, was about the *Defendant’s* intended conduct.

Therefore, there is no genuine issue of material fact at issue and the Defendant is entitled to judgment as a matter of law.

E. Count Twenty-One: Battery & Count Twenty-Two: Assault

In Counts Twenty-One and Twenty-Two of his Complaint, the Plaintiff claims that the Defendant, Raymond Milot, is liable for battery and assault. The Plaintiff alleges in both Count Twenty-One and Twenty-Two that, *inter alia*, Noah Milot kicked the Plaintiff, the Hannah Milot shoved the Plaintiff and poked at his chest, that Raymond Milot made statements to the New Milford Police that the Plaintiff was “psycho,” “abusive,” and “under investigation by DCF,” that Raymond Milot stated to his child that he was going to obtain a restraining order against the Plaintiff, and that Raymond Milot was going to “use poison” on the Plaintiff.

In this case, even taking the facts in a light most favorable to the Plaintiff, there is no genuine issue of material fact with respect to his claim of battery or assault and as such, the Defendant is entitled to judgment as a matter of law.

A person is liable for the tort of battery if “(a) he acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an imminent apprehension of such a contact, and (b) a harmful contact with the person of the other directly or indirectly results.” Maselli v. Regional School District Number 10, 198 Conn. App. 643, 660 (2020).

Here, the Plaintiff fails to allege *any* contact with his person by the Defendant. In fact, the Plaintiff has never met or communicated directly with the Defendant. In the Plaintiff’s Reply to Defendant Milot’s Request for a Protective Order (#167.00) in this very case, the Plaintiff attached Exhibit D (attached hereto as Exhibit B), which is a letter from the Plaintiff to the Defendant dated November 4, 2019. The first line of said letter indicates “I’ve never met or communicated with you.” By the Plaintiff’s own admission in his filings in this case, the Plaintiff’s claim for battery must fail.

Conversely, “a civil assault is the intentional causing of imminent apprehension of harmful or offensive contact in another... ‘[A]ctual, physical contact (technically defined as ‘battery’) is not necessary to prove civil assault.’” Id. at 659-60.

As to a claim of assault, the Connecticut Superior Courts have looked to the Restatement (Second) of Torts for guidance.

In order to be held liable under section 21 [of the Restatement (Second) of Torts (1965)] it is necessary that the actor intend to inflict a harmful or offensive bodily contact upon the other or a third person or put him in apprehension of such contact. Unless he acts with such intent, the actor is not liable for an assault Although no actual contact is required, the action must be of such a nature as to excite an apprehension of a battery ... and that apprehension must be one which would be normally aroused in the mind of a reasonable person.... An assault cannot be accomplished by words alone. There must be an overt act evidencing some corporal threat. ‘A person’s behavior must create a fear of imminent harm from an objective standpoint, and even violent

behavior accompanied by threats has been held insufficient to state a claim for assault absent some clear implication of imminent harm.’

Crossen v. Martin, No. TTD-CV-18-5011328-S, 2023 WL 4446534, at *11 (Conn. Super. Ct. July 3, 2023).

The Plaintiff hinges his claim of assault on words of the Defendant and actions of the Defendant’s minor children. Again, the Plaintiff, by his own admission, has never met or communicated directly with the Defendant. The Plaintiff cannot logically or objectively claim that the Defendant has battered his person while also admitting that he has never been in the physical presence of the Defendant. As to his assault claim, words alone are not sufficient to sustain a claim, and the Plaintiff does not allege or provide supporting documents that the Defendant has engaged in any overt acts which would objectively cause him to be in imminent apprehension of a battery. Thus, there is no genuine issue of material fact and the Defendant is entitled to judgment as a matter of law as to Counts Twenty-One and Twenty-Two.

F. Count Thirty-Three: Intentional Infliction of Emotional Distress

Connecticut law is well-established on a claim of Intentional Infliction of Emotional Distress.

In order for the plaintiff to prevail in a case for liability under ... [intentional infliction of emotional distress], four elements must be established. It must be shown: (1) that the actor intended to inflict emotional distress or that he knew or should have known that emotional distress was the likely result of his conduct; (2) that the conduct was extreme and outrageous; (3) that the defendant's conduct was the cause of the plaintiff's distress; and (4) that the emotional distress sustained by the plaintiff was severe. Whether a defendant's conduct is sufficient to satisfy the requirement that it be extreme and outrageous is initially a question for the court to determine. Only where reasonable minds disagree does it become an issue for the jury.

Liability for intentional infliction of emotional distress requires conduct that exceeds “all bounds usually tolerated by decent society....Liability has been found only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community. Generally, the case is one in which the recitation of the facts to an average member of the community would arouse his resentment against the actor, and lead him to exclaim, “Outrageous!” Conduct on the part of the defendant that is merely insulting or displays bad manners or results in hurt feelings is insufficient to form the basis for an action based upon intentional infliction of emotional distress. (Internal quotation marks omitted; internal citations omitted).

Appleton v. Bd. of Educ. of Town of Stonington, 254 Conn. 205, 210-11 (2000).

- i. The Defendant’s conduct was not intended to inflict emotional distress on the Plaintiff, nor did he know, or should he have known, that emotional distress was the likely result of his conduct.

The Plaintiff has not provided any claims in his pleadings nor in his discovery that raise any genuine issue of material fact concerning the Defendant’s intent to cause emotional distress or that he should have known his conduct would cause the Plaintiff’s emotional distress.

The Plaintiff’s vague and unsupported claims in his Complaint simply do not rise to the level of proof required to sustain his claim for intentional infliction of emotional distress and therefore, her claim must fail.

- ii. The Defendant’s conduct was not extreme and outrageous.

As to the second element of the tort of intentional infliction of emotional distress, Connecticut courts have a well-established standard. “The threshold inquiry in an intentional infliction of emotional distress action is ... whether the alleged behavior is sufficiently extreme and outrageous.” Di Teresi v. Stamford Health System, Inc., 142 Conn. App. 72, 87 (2013).

Liability for intentional infliction of emotional distress requires conduct that exceeds all bounds usually tolerated by decent society.... Liability has been found only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community. Generally, the case is one in which the recitation of the facts to an average member of the community would arouse his resentment against the actor, and lead him to exclaim, Outrageous! Conduct on the part of the defendant that is merely insulting or displays bad manners or results in hurt feelings is insufficient to form the basis for an action based upon intentional infliction of emotional distress. (Internal quotation marks omitted; Internal citations omitted).

Carrol v. Allstate Insurance Co., 262 Conn. 433, 443 (2003).

The Plaintiff complains that the Defendant made statements about him and generally encouraged or aided his minor children in committing torts against the Plaintiff. These vague and unsupported claims simply do not rise to the level of conduct necessary to sustain his claim.

Like the conduct of the Defendant in Appleton, the Defendant's conduct, if proven true, may have been distressing and harmful to the Plaintiff. However, the Defendant cannot be blamed for the actions of third parties such as the minor children's therapist or the minor children themselves.

Taking the facts in a light most favorable to the Plaintiff, even if the Defendant did make statements to third parties that the Plaintiff was "psycho," "abusive," and "under investigation by DCF," the statements would have been made in reaction to information he received from others. Additionally, the statements were both matters of truth (the Plaintiff *was* under investigation by DCF) and matters of opinion (that the Plaintiff was "psycho" and "abusive"). These statements, if truly made by the Defendant, simply do not rise to the level of outrageousness as required.

Additionally, the Plaintiff claims that the Defendant published a juvenile court document which referred to the Plaintiff as a “party” to the action. The Plaintiff concedes in his Complaint that this is a Connecticut Juvenile Court document – not a document prepared by the Defendant. The simple sharing of a document is not in and of itself outrageous conduct. “Although the defendants' alleged behavior no doubt was hurtful and distressing to the plaintiff, ‘plaintiffs must necessarily be expected and required to be hardened to a certain amount of rough language, and to occasional acts that are definitely inconsiderate and unkind.’” Davis v. Davis, 112 Conn. App. 56, 67 (2009) (citing Restatement (Second) of Torts §46, comment (d)).

Therefore, there is no genuine issue of material fact that the Defendant engaged in conduct that was extreme and outrageous and accordingly, the Plaintiff’s claim must fail as a matter of law.

iii. The Defendant’s conduct was not the foreseeable cause of the Plaintiff’s distress.

The Plaintiff claims that the acts and/or omissions by the Defendant were the proximate cause of the severe mental and emotional distress and anguish suffered by the Plaintiff.

Of importance, the Plaintiff is currently a party to multiple lawsuits, including claims against Christine Jowdy and his former neighbors. The Plaintiff was also subject to an investigation by DCF in 2019 and was a party to a problematic relationship with Christine Jowdy, whose children were also named parties in this action. In each of these actions, the Plaintiff makes claims for emotional distress. Although the distress that the Plaintiff is claiming to suffer from in this action is arguably long-term in nature, it cannot be said that this distress is of the type that is “so intolerable or unbearable that no reasonable person could be expected to endure” it, nor has the Plaintiff provided documents throughout the course of discovery which

would prove to the contrary. The Plaintiff has put himself into a position of enduring ongoing vexatious litigation and emotional distress on his own accord.

Throughout the course of discovery, the Plaintiff has provided medical documentation to the Defendant regarding his treatment, but has failed to provide any records relating to his mental health. Nowhere in his medical records that he did provide does the Plaintiff provide any proof that the Defendant's conduct was the cause of his distress.

iv. The emotional distress sustained by the Plaintiff was not severe.

The distress necessary to sustain a claim of intentional infliction of emotional distress has been defined simply, but clearly, as “mental distress of a very serious kind.” Our appellate courts, however, have never adopted a bright-line test for determining what kinds of mental distress are sufficiently serious to sustain a claim of intentional infliction of emotional distress, but our trial courts have consistently used the standard set forth in the Restatement. Comment (j) to the Restatement (Second) of Torts, §46, provides in relevant part: The law intervenes only where the distress inflicted is so severe that no reasonable [person] could be expected to endure it. The intensity and duration of the distress are factors to be considered in determining its severity. Emotional distress is unlikely to be considered severe in the absence of treatment, medical, psychological, or otherwise. Mere embarrassment, humiliation and hurt feelings do not constitute severe emotional distress. (Internal citations omitted).

Maselli v. Regional School District Number 10, 198 Conn. App. 643, 667 (2020).

The Plaintiff claims in his complaint that she has suffered damages including “being subjected to threats and threatening conduct, embarrassment, humiliation, anxiety, scorn, derision, ridicule, and emotional distress.” The Plaintiff, in sworn written interrogatories, also claims to suffer from PTSD, anxiety, intrusive thoughts, lack of sleep, inability to concentrate, and frustration.

The Plaintiff has failed to provide any documentation that his ongoing conditions and treatment are so intolerable or unbearable that no reasonable person could be expected to endure it. His distress is “nothing more than a ‘degree of transient and trivial emotional distress, which is a part of the price of living among people.’” Maselli, 198 Conn. App. at 669.

Thus, there is no genuine issue of material fact as to the Plaintiff’s claim of intentional infliction of emotional distress and the Defendant is therefore entitled to judgment as a matter of law.

III. CONCLUSION

The Defendant submits that, in the present case, there is no genuine issue of material facts regarding the Plaintiff’s claims for Slander *per se*, Defamation *per se*, Invasion of Privacy-False Light, Battery, Assault, and Intentional Infliction of Emotional Distress and the Defendant is therefore entitled to judgment as a matter of law. For each of the reasons articulated herein, the Defendant respectfully asks the Court to grant Summary Judgment as to Counts Five through Seven, Eleven, Twelve, Eighteen through Twenty-Two, and Thirty-Three.

RESPECTFULLY SUBMITTED,

THE DEFENDANT
RAYMOND MILOT

By: /s/ 430824
Robert A. Salerno
His Attorney

CERTIFICATION

I hereby certify that a copy of the foregoing was sent to the following counsel and/or pro se parties of record by first class mail, postage prepaid, and/or fax or email this 5th day of January 2026: Jon A. Goodwin, 34 North Franklin Ave, Ste 687-2690, Pinedale, WY 82941, via email: jgoodwin@protonmail.com, John R. Williams, 51 Elm Street, Suite 409, New Haven, CT 06510, via email: jrw@johnrwilliams.com.

/s/ 430824
Robert A. Salerno
Commissioner of the Superior Court

JON GOODWIN

DEFENDANT'S
EXHIBIT

A

November 4, 2019

Via Federal Express

Mr. Raymond Joseph Milot, Jr.
38 Sullivan Farm
New Milford, CT 06776

Mr. Milot:

I've never met or communicated with you. I write concerning your slander of me to Joanne Iurato Ph.D. MSW LCSW, Kristie Liotta, MA, LPC, Officer McIntyre of the New Milford Police Department, Jennifer Avila-Ganzhi, LMSW and others, including Hannah Milot ("Hannah") and Noah Milot ("Noah"). The terms "you" and "your" in this letter shall collectively refer to you and your agents.

The slanderous statements I'm aware you've made regarding me include that I'm "dangerous," a "psycho," "unstable" and that I have abused your and Christine Jowdy's ("Christine") children, Noah Milot ("Noah") and Hannah Milot ("Hannah"). Your statements regarding me are false and defamatory per se.

You are aware that Noah and Hannah are extremely aggressive toward each other and Christine. Like you, your daughter Hannah abuses her mother. Last week, Hannah attempted to physically assault Christine. To thwart her attack I stepped between Hannah and her mother. Hannah was not touched by me rather, in her effort to strike her mother with her fists, Hannah ran into me.

Sunday morning Christine took a phone Hannah uses. When Hannah discovered her mother had the phone, she barged into her Mother's bedroom and assaulted her, prying the phone from Christine. At Christine's direction, I attempted to take the phone from Hannah; however,

95 Indian Trail • New Milford, Connecticut 06776

Plaintiff's
Exhibit D-1

November 4, 2019

Milot, Raymond Joseph, Jr.

Page 4 of 5

physical harm, he was released and Christine called the New Milford Police Department. The responding Sargent and officers spoke to all parties and determined there was no evidence of a crime by an adult.

Noah's violent behavior is not confined to Christine's and your respective homes. He has had multiple violent episodes requiring him to be restrained at school and in his therapist's office. I'm informed you are aware of all of these incidents and that reports relating thereto are available from Noah's school and law enforcement authorities.

I'm informed that, in addition to law enforcement authorities, the foregoing have been reported to the Connecticut Department of Children and Families ("DCF"), Noah's therapist and, with the exception of the incidents this past weekend, to Hannah's therapist. You have been made aware of all of the incidents, have access to all of the reports and, I'm informed, have spoken with Noah's and Hannah's therapists. I'm also aware that, upon concluding their investigation at Christine's residence last Friday, you spoke with the New Milford Police Officer who responded to the incident and informed you there was no evidence of a crime having at Christine's residence.

Despite your awareness of the facts regarding my assisting Christine to restrain Noah, prevent Hannah from attacking Christine and ensure your children do not physically harm themselves or each other, you persist in slandering me as part of a broader scheme to unjustly separate Noah, Hannah and Cameron from Christine. Toward this end, you have engaged in a pattern of fraudulent communication with Noah, Hannah and Cameron to cause them to denigrate, disrespect, bully and act violently toward their mother and to show unwarranted fear of me. Your continuing psychological manipulation of your children is despicable.

To manufacture a foundation on which to justify your false and defamatory statements, you've made false reports of child abuse to government agencies, all the while refusing to obtain therapeutic services i.e., "Intensive In-Home Child & Psychiatric Service" ("IICAPS") for Hannah and Noah

Jon Goodwin

Plaintiff's
Exhibit D-4

95 Indian Trail • New Milford, Connecticut 06776

November 4, 2019

Milot, Raymond Joseph, Jr.

Page 5 of 5

pursuant to recommendations of their therapists to help them deal with your continuing abuse. Your abuse of government and legal process will not be tolerated.

Sadly, your pathetic actions are not the least bit surprising given your abuse of illicit drugs, including anabolic steroids, your abuse of Christine during and after your marriage to her and carrying on a multi-year sexual affair with Jane Walsh during your marriage to Christine. I'm also informed you've made threats against me. Your abuse of me will be dealt with.

As stated above, I've never met or communicated with you. Nor do I care to be associated with someone who abuses women, children and drugs. You've been warned by Christine's counsel regarding your defamation of her. This letter serves as notice I'm filing a lawsuit against you. Pursuant to law, you must preserve all evidence related to my claims against you. Any attempt by you to cause the spoliation of such evidence will be dealt with.

Have your legal counsel contact me at his or her earliest convenience to arrange service of the complaint and summons on you. Your counsel can reach me at +1 (212) 372-4803.

Sincerely,



Jon Goodwin

cc: Norm Pattis, Esq.
William J. Quinn, Esq.
Michael G. Martin, Esq.
Christine M. Jowdy

Jon Goodwin

95 Indian Trail • New Milford, Connecticut 06776

Plaintiff's
Exhibit D-5

Connecticut Department of Children and Families
NOTIFICATION OF INVESTIGATION RESULTS

DCF-2210
07/16 (Rev.)

DEFENDANT'S
EXHIBIT

B



Page 1 of 1

To (Name): Jon Goodwin	Date: 12/13/2019
Address: 95 Indian Trail New Milford CT 06776	LINK #: 341719
	Re: Investigation Dated: 12/13/2019

The Department of Children and Families (DCF) recently investigated reported allegation(s) that you abused or neglected a child or children. The purpose of this letter is to inform you of the decision made regarding that investigation.

DCF has concluded the following: (NOTE: For every child, list all allegations and select the disposition for each allegation)

Child's Name	Allegation	Disposition
Noah Milot	Physical Abuse	Unsubstantiated
	(Select One)	(Select One)
	(Select One)	(Select One)
	(Select One)	(Select One)
	(Select One)	(Select One)
	(Select One)	(Select One)



DCF finds that you do not pose a risk to the health, safety or well-being of children.



DCF finds that you pose a risk to the health, safety or well-being of children and is recommending that you be placed on the Child Abuse and Neglect Central Registry.

Persons whom DCF finds pose a risk to the health, safety or well-being of children are recommended for placement on the Central Registry. Names remain on this list indefinitely. The Central Registry may be checked by current or prospective employers whose work involves contact with children and by federal, state and local licensing authorities that regulate activities that involve children. Placement on the Central Registry may therefore affect your ability to work in jobs, obtain licenses or engage in activities that involve contact with children.

If you have been recommended for placement on the Central Registry your name will be placed on the Central Registry unless you exercise your right to appeal this finding. While the appeal is pending your name will not be disclosed to anyone except as permitted by law.

If you disagree with the finding that you abused or neglected a child, you may appeal the finding by signing and mailing the enclosed DCF-2210b, "Request for Appeal of Substantiation Findings" to DCF at the address provided on the form. This will begin an appeal process that may result in the DCF's finding being changed. Please be advised that you may also request, in writing, to have your appeal deferred pending the disposition of any criminal court proceeding arising from the above stated allegations of abuse and/or neglect. (If you request that your hearing be deferred, you must notify DCF within five years to request that it be reinstated. If you do not request reinstatement within five years, the substantiation and Central Registry finding, if applicable, will be automatically upheld.)

Please note that your request must be received within thirty (30) days of the date of this notice in order for your appeal to be considered. An internal review will be completed within thirty (30) days of DCF's receipt of your request. You will be notified in writing of the results of that review, and of further appeal actions available to you if the results are not satisfactory to you.

Sincerely,

Social Worker/Investigator

Jennifer Avila-Ganzhi

Telephone:

(203) 207-5164

Email:

jennifer.avila-ganzhi@ct.gov



KeyCite Yellow Flag

Distinguished by [Greenberg v. Gunnerly](#), Conn.Super., December 3, 2020

2019 WL 994532

UNPUBLISHED OPINION. CHECK COURT RULES BEFORE CITING.

Superior Court of Connecticut,
Judicial District of New London at New London.Keegan **DAY**

v.

Sheree **DODGE****KNLCV186035362S**January 25, **2019****Opinion**[Knox, J.](#)

*1 The defendants, Sheree **Dodge**,¹ Jason Hofmann, Charles Copeland, Lebanon Lions Club, and The Nipnuck District of the Connecticut Rivers Council of the Boy Scouts of America, filed a special motion to dismiss pursuant to [General Statutes § 52-196a](#). The plaintiffs filed their objection. Thereafter, the defendants filed a reply. The pleadings filed by the respective parties were accompanied by motions to seal, which required adherence to notice requirements and procedures set forth in [Practice Book § 11-20a](#). Wherefore, the court found good cause for the continuance of the hearing.² The court heard argument from all parties.

The plaintiffs, Keegan **Day** and Cathy **Day**, brought this action seeking money damages against the defendants—two individuals and organizations associated with the Cub Scout Pack 58 of Lebanon. The complaint, dated May 9, 2018, alleges that **Dodge**—a den mother who spent the night in a tent adjacent to the one occupied by Keegan **Day** and his minor son—accused Keegan of engaging in sexual activities with his son during the night. The plaintiffs allege that **Dodge** reported what she heard to a second den parent, Jason Hofmann. **Dodge** and Hofmann then contacted the state police to report the incident and to conduct an investigation. The complaint further alleges that the state police involved

the Department of Children and Families, which concluded the matter was unfounded and closed its investigation. The plaintiffs further allege that their “Cub Scout sponsored memberships held by the Lebanon Lions Club” were revoked as a result of the incident reported to the state police. The plaintiffs’ eleven-count complaint alleges defamation, invasion of privacy by false light, violation of the right fair procedure in contravention of [General Statutes § 33-1056](#), intentional infliction of emotional distress, and negligent infliction of emotional distress against the defendants.

DISCUSSION

[Section 52-196a\(b\)](#) provides defendants with an expedited process with special procedures where the action is based on the “opposing party’s exercise of its right of free speech, right to petition the government, or right of association under the Constitution of the United States or the Constitution of the state in connection with a matter of public concern ...” The statute, effective January 1, 2018, requires an expedited and limited evidentiary determination by the court on the special motion to dismiss. [§ 52-196a\(e\)\(1\)](#). Discovery is stayed, unless ordered by the court, but, even then, it is limited to the special motion to dismiss. [§ 52-196a\(d\)](#). In this case, there was no order for limited discovery related to the special motion to dismiss.

[Section 52-196a\(e\)\(2\)](#) provides in relevant part: “When ruling on a special motion to dismiss, the court shall consider pleadings and supporting and opposing affidavits of the parties attesting to the facts upon which liability or a defense, as the case may be, is based.” In this case, the applicable pleading is the operative complaint. The parties respectively filed affidavits, which the court considered. “The court construes the phrase ‘affidavits by the parties’ to mean affidavits submitted by the parties, as opposed to restricting the affidavits to those for which a party was an affiant.” (Emphasis omitted.) *Cronin v. Pelletier*, Superior Court, Judicial District of Tolland, Docket No. CV-18-6014395-S (July 26, 2018, Sferrazza, S.J.) ([66 Conn. L. Rptr. 750](#)).³

*2 [Section 52-196a\(e\)\(3\)](#) sets forth a two-part analysis that the court must conduct in determining a special motion to dismiss. “The court shall grant a special motion to dismiss if the moving party makes an initial showing, by

a preponderance of the evidence, that the opposing party's complaint, counterclaim or cross claim is based on the moving party's exercise of its right of free speech, right to petition the government, or right of association under the Constitution of the United States or the Constitution of the state in connection with a matter of public concern, unless the party that brought the complaint, counterclaim or cross claim sets forth with particularity the circumstances giving rise to the complaint, counterclaim or cross claim and demonstrates to the court that there is probable cause, considering all valid defenses, that the party will prevail on the merits of the complaint, counterclaim or cross claim.” [§ 52-196a\(e\)\(3\)](#).

The defendants, as the moving party, have the initial burden of showing, by a preponderance of the evidence, that the plaintiffs' complaint falls within the scope of the statute. In this case, the defendants argue that all of plaintiffs' claims are based on the defendants' right to petition government or right to free association.

At the outset, the court addresses one issue raised by the plaintiffs at the hearing. The plaintiffs argue that the statute should not apply to this action because it falls outside the scope of a SLAPP suit.⁴ The plaintiffs claim that the statute is limited to a class of parties, such as the media. See *Graves v. Chronicle Printing Co.*, Superior Court, Judicial District of Tolland, Docket No. CV-18-5010056-S (November 7, 2018, Farley, J.) [[67 Conn. L. Rptr. 442](#)]. However, [§§ 52-196a\(b\)](#) and [\(c\)](#) expressly apply to any “party.” *Id.* The defendants, as a “party,” are entitled to seek the relief pursuant to the statute provided they meet their burden. See *Ciccerone v. Lynch*, Superior Court, Judicial District of Danbury, Docket No. CV-18-6026091-S (July 25, 2018, Krumeich, J.); *Rivas v. Pepi*, Superior Court, Judicial District of Stamford-Norwalk, Docket No. CV-18-6034927-S (August 16, 2018, Jacobs, J.) ([66 Conn. L. Rptr. 833](#)). Furthermore, there is no statutory language that limits the term “party.” The court will not read into the statute a limitation that the legislature did not enact. See *Fiona C. v. Kevin L.*, [166 Conn.App. 844, 850, 143 A.3d 604 \(2016\)](#).

A. Counts One Through Seven

In counts one through four against the defendant **Dodge**, the plaintiffs allege defamation, intentional and negligent infliction of emotional distress, and invasion of privacy. In counts five through seven against the defendant Hofmann,

the plaintiffs allege intentional and negligent infliction of emotional distress and invasion of privacy.

The defendants **Dodge** and Hofmann claim that the allegations in these counts are based on the exercise of their right to petition government as defined in [§ 52-196a](#). [Section 52-196a\(a\)\(3\)\(B\)](#) defines “[r]ight to petition the government” as a “communication that is reasonably likely to encourage consideration or review of a matter of public concern by a legislative, executive, administrative, judicial or other governmental body ...”⁵ The statute also defines a “[m]atter of public concern” to include “an issue related (A) to health or safety” or “(B) ... [to] community well-being ...” [§ 52-196a\(a\)\(1\)](#) (emphasis added).

***3** As set forth previously, the allegations set forth in counts one through seven are “based on” the defendants' right to contact the police about a matter of public concern, specifically, suspected sexual abuse of a minor child. The underlying allegations assert state troopers conducted an investigation based on the defendant **Dodge's** report to police that she had heard Keegan “giving instructions to his son to strip naked, to masturbate him, to go faster, and that she heard Keegan come to completion,” in a closely adjacent tent. Complaint, para. 18. The plaintiffs further allege that **Dodge** “knowingly made false allegations of sexual misconduct against the plaintiff to others at the Camporee event, and have since repeated these defamatory statements to any number of individuals, *resulting in a governmental investigation of Keegan for criminal sexual misconduct ...*” Complaint, para. 38 (Emphasis added). In contacting and communicating with the state police about this incident, the defendants were petitioning government.

Furthermore, the reason for the petition to the state police was also a matter of significant public concern, namely to prompt an investigation of sexual child abuse. It is for this reason that, as a matter of public policy, the legislature enacted statutes mandating that certain individuals report suspected child abuse to authorities. See [General Statutes § 17a-101](#). The issue of sexual child abuse is unquestionably a matter of public concern because it addresses the health and safety of society's most vulnerable members: children. See [Doe v. Hartford Roman Catholic Diocesan Corp.](#), [317 Conn. 357, 437, 119 A.3d 462 \(2015\)](#); [Henderson v. Woolley](#), [230 Conn. 472, 482-83, 644 A.2d 1303 \(1994\)](#).

The matter of suspected child abuse also clearly and readily falls within the category of community well-being. The right to petition government for suspected criminal activity, whether ultimately found to have probable cause or not, is a critical element in the performance of law enforcement and community safety. Other jurisdictions have considered similar statutes and held that “[w]hen a person reports suspected criminal activity to the police, she is engaging in constitutionally-based petitioning activity ...” *O’Gara v. St. Germain*, 91 Mass.App. 490, 497, 77 N.E.3d 870 (2017); *Annamalai v. Capital One Financial Corp.*, 319 Ga.App. 831, 833, 738 S.E.2d 664 (2013).

In their opposition to the motion to dismiss, the plaintiffs claim that notifying the police of sexual child abuse does not clothe the defendants in blanket immunity, relying on *Bhatia v. Debek*, 287 Conn. 397, 948 A.2d 1009 (2008). In that case, the Supreme Court considered whether a defendant, in a malicious prosecution action, could rely on both statutory and common-law immunity because she acted in good faith. *Id.*, 412. The court never answered the question, instead holding that, under either immunity, the defendant failed to meet her burden showing she acted in good faith as a defense to the malicious prosecution action. *Id.*, 415-16.

The court does not find *Bhatia* applicable to the present analysis on the first prong of § 52-196a(e)(3). First, the statute does not require the court to consider the motive of the party petitioning government. Second, the plaintiffs cite no authority that the act of notifying police of suspected criminal activity is not a form of the “right to petition government.” Finally, the state police are part of the executive branch of government. See *State v. Maietta*, 320 Conn. 678, 688, 134 A.3d 572 (2016). Thus, the defendants were, in fact, petitioning government.

The plaintiffs also rely on *Blanchard v. Steward Carney Hospital, Inc.*, 477 Mass. 141, 75 N.E.3d 21 (2017). In that case, former nurses of a hospital under investigation by the state brought a defamation action against the hospital after their termination, alleging the hospital defamed them when the hospital’s president gave a statement to a newspaper and wrote an email to other hospital employees. *Id.*, 144. The hospital sought to dismiss the action pursuant to the Massachusetts anti-SLAPP statute, Mass. Gen. Laws. ch.

231, § 59H (1996). *Id.*, 146. That statute provides in relevant part: “In any case in which a party asserts that the civil claims, counterclaims, or cross claims against said party are based on said party’s exercise of its right of petition under the constitution of the United States or of the commonwealth, said party may bring a special motion to dismiss.” Mass. Gen. Laws. ch. 231, § 59H. The court held that the statement to the newspaper was protected by the statute because it had a plausible nexus to the state’s investigation of the hospital, constituting a right of petition. *Id.*, 150. Nevertheless, the court held that the email was not protected because it had no plausible nexus to the state’s investigation, thus, not constituting a petition. *Id.*, 152-53.

*4 *Blanchard* is of no help to the plaintiffs here. Besides the fact that § 52-196a is broader than the Massachusetts law,⁶ the hospital in that case intended for the state to hear its newspaper statement, thus, constituting a petition to the government. Similarly, here, the communication to the police by the defendants was a petition to the government to address grievances, namely, the alleged abuse.

The defendants have satisfied their initial burden of showing, by a preponderance of the evidence, that counts one to seven are based on their right to petition government.

If the first prong of § 52-196a(e)(3) is satisfied, the court must next determine whether a plaintiff “sets forth with particularity the circumstances giving rise to the complaint ... and demonstrates to the court that there is probable cause, considering all valid defenses, that the party will prevail on the merits of the complaint ...” § 52-196a(e)(3). The court must consider the pleadings and supporting or opposing affidavits submitted by the parties. § 52-196a(e)(2). Probable cause is a “bona fide belief in the existence of facts essential under the law for the action and such as would warrant a [person] of ordinary caution, prudence and judgment, under the circumstances, in entertaining it.” (Emphasis omitted; internal quotation marks omitted.) *Three S. Development Co. v. Santore*, 193 Conn. 174, 175, 474 A.2d 795 (1984).

The defendants claim that the plaintiffs cannot demonstrate probable cause on the merits because *Dodge* and Hofmann are entitled to immunity under the mandated reporter statute,

§ 17a-101 et seq. Section 17a-101(a) provides: “The public policy of this state is: To protect children whose health and welfare may be adversely affected through injury and neglect; to strengthen the family and to make the home safe for children by enhancing the parental capacity for good child care; to provide a temporary or permanent nurturing and safe environment for children when necessary; and for these purposes to require the reporting of suspected child abuse or neglect, investigation of such reports by a social agency, and provision of services, where needed, to such child and family.” The defendants do not claim to be one of the enumerated mandated reporters under 17a-101(b), but claim a reporting obligation by virtue of their respective positions in the Cub Scouts. As such, the defendants rely on § 17a-101e(b), which provides: “Any person, institution or agency which, in good faith, makes, or in good faith does not make, the report pursuant to sections 17a-101a to 17a-101d, inclusive, and 17a-103 shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such report provided such person did not perpetrate or cause such abuse or neglect.”⁷ The issue is whether or not the pleadings and evidence presented demonstrates that the defendants acted in good faith in reporting to police authorities suspected child abuse.

*5 The plaintiffs' complaint fails to set forth with particularity the circumstances upon which the defendants **Dodge** or Hofmann acted with malice, knowledge of the falsity of the facts or even recklessness in the ultimate report to the police.⁸ However, the plaintiffs had an opportunity to proffer evidence by affidavit for the court to consider with regard to the issue of whether or not these defendants acted in good faith.

The plaintiffs' affidavits, however, do not provide the necessary evidentiary support upon which the court can find bad faith by the defendants **Dodge** or Hofmann. Keegan **Day's** affidavit states that he was “present at the Camporee event and he never at that time or any other engaged in any inappropriate behavior with his son, let alone a sexual assault.” Although that statement may be relevant to determine whether abuse occurred, it does not support a finding that **Dodge** or Hofmann acted in bad faith. Thus, the affidavits of Keegan or Cathy **Day** do not state facts that support any finding that the defendants acted in bad faith.

To the contrary, the affidavits of **Dodge** and Hofmann show that they communicated with each other and, ultimately, Hofmann contacted the state police because of their obligation as adult volunteers in the Boy Scouts to report suspected child abuse. Hofmann and **Dodge** explained as part of their training as registered adult volunteers and den leaders, each was required to undergo the Boy Scouts of America Youth Protection training. During the training, they were instructed that, as mandatory reporters of suspected child abuse, they must report any good faith suspicion of abuse to the police.

Dodge's affidavit shows that she was very disturbed by what she heard and was not able to sleep. Hofmann's affidavit explains that when Hofmann arrived at the campsite on the morning following the incident, **Dodge** was clearly upset and told him about the incident. She did not mention **Day's** name in describing what she heard, although she knew the child's name. Hofmann further stated that he believed that **Dodge** genuinely believed she had overheard the sexual abuse of a child being instructed to masturbate by his father and believed she was required to report it. While **Dodge** was reporting the incident to Hofmann, the Committee Chair, Tony Benigno, joined them, and identified **Day** by name.

Hofmann notified the state police to investigate, in part, because he was trained by the Boy Scouts of America that, as a registered adult volunteer, he was a mandated reporter of suspected child abuse. Like Hofmann, **Dodge** was trained by the Boy Scouts of America that, as a registered adult volunteer, she was a mandated reporter of suspected child abuse. The defendants intended to allow the police to investigate and determine if any crime had been committed. **Dodge** genuinely believed she heard the incident as she reported it to the police.⁹ Both defendants attest to the fact that, prior to the incident, they did not know the plaintiffs and bore no ill will toward them.

*6 Nevertheless, the plaintiffs argue that there is evidence of bad faith because **Dodge** delayed reporting the incident until the morning. This reasoning is not persuasive. **Dodge** spent a sleepless night disturbed about the incident and remained distraught the next morning when she consulted with another volunteer leader, at which time a report was made to the police. Such a delay, even assuming there was one, is not evidence of bad faith. This is not indicia of a person acting with malice or intent to impute the reputation of another person. The court does not have to determine whether **Dodge's** or Hofmann's good faith belief was supported by an arrest or a probable cause finding of criminal conduct

following the police investigation. The only consideration for the court is whether the report to the police was made in good faith, which the court so finds.

Based on the evidence, the court finds that **Dodge** and Hofmann made a good faith report of suspected child abuse. The plaintiffs cannot sustain their burden of showing that they are likely to succeed on the merits, considering all valid defenses. Counts one through seven must be dismissed pursuant to § 52-196a(e)(3).

B. Counts Eight through Eleven

Hofmann, Copeland, Lebanon Lions Club, and Nipnuck District of Connecticut Rivers Council of the Boy Scouts of America seek an order granting the special motion to dismiss on the grounds that the allegations set forth in counts eight through eleven are based on the right of association in a matter of public concern.

These counts are uniformly based on the plaintiffs' claim that they were denied their rights to fair procedure in violation of [General Statutes § 33-1056\(a\)](#) when Hofmann (count eight), Copeland (count nine), Lebanon Lions Club (count ten), and Nipnuck District of Connecticut Rivers Council of the Boy Scouts of America (count eleven) revoked their membership in the Cub Scout Pack 58 of the Nipnuck District of Connecticut Rivers Council.

“[Section 33-1056\(a\)](#) applies to nonstock corporations ... and provides that [m]embership shall be governed by such rules of admission, retention, withdrawal and expulsion as the bylaws shall prescribe, provided all such bylaws shall be reasonable, germane to the purposes of the corporation, and equally enforced as to all members.” (Emphasis omitted; internal quotation marks omitted.) [Williams v. Black Rock Yacht Club](#), 90 Conn.App. 27, 33, 877 A.2d 849, cert. denied, 276 Conn. 908, 886 A.2d 424 (2005). In order to establish a cause of action under [§ 33-1056\(a\)](#), a plaintiff must first show that he or she is a member of a nonstock corporation subject to the statute. *Id.*; *Sterner v. Saugatuck Harbor Yacht Club*, 188 Conn. 531, 535, 450 A.2d 531 (1982).

Under [General Statutes § 52-196a](#), the court must first determine whether the defendants have satisfied their initial burden of showing, by a preponderance of the evidence, that counts eight through eleven are based on the right of

association. The statute defines “[r]ight of association” as “communication among individuals who join together to collectively express, promote, pursue or defend common interests ...” [§ 52-196a\(a\)\(4\)](#). The defendants rely on [Boy Scouts of America v. Dale](#), 530 U.S. 640, 647-48, 120 S.Ct. 2446, 147 L.E.2d 554 (2000), for the proposition that the “freedom of association ... plainly presupposes a freedom not to associate.” (Internal quotation marks omitted.) The Boy Scout Pack 58 is certainly a joining of individuals with a common interest, namely, scouting. Copeland's affidavit states that registration and participation in the Boy Scouts, and, particularly, Pack 58 of the Nipnuck District of Connecticut Rivers Council, is a privilege that “may be denied, limited, or terminated when determined to be in the best interest of Scouting.” Additionally, the court finds that the public concern that caused the initial report to the police prompted the letter notifying the **Days** that they could not participate in Cub Scout activities. The court finds that the defendants have sustained their burden on the first prong.

*7 If the first prong is satisfied, the court must determine whether a plaintiff “sets forth with particularity the circumstances giving rise to the complaint ... and demonstrates to the court that there is probable cause, considering all valid defenses, that the party will prevail on the merits of the complaint ...” [§ 52-196a\(e\)\(3\)](#). The plaintiffs baldly assert in the pleadings that their “Cub Scout sponsored membership” was revoked without notice and an opportunity to be heard. The plaintiffs allege that they were “members of their local Boy Scouts of America group, Cub Scout Pack 58 of the Nipnuck District of Connecticut Rivers Council.” However, the court finds that they were not members. The plaintiffs were not listed on the Pack 58 roster in 2017. It is noteworthy that Keegan **Day** had once been an “Adult Partner” in the Pack, but his registration expired in May 2016 and was not renewed. Cathy **Day** had never been listed or registered as “Adult Partner” in the Pack. Nor were the plaintiffs members of the Lebanon Lions Club or the Nipnuck District. As such, the plaintiffs cannot establish a fundamental element of their claim under the statute—namely, membership in a nonstock corporation.

The court further finds that neither Pack 58 nor the Nipnuck District is a nonstock corporation subject to [§ 33-1056\(a\)](#). The plaintiffs do not allege, nor do they provide any evidence, that they were members of the Lebanon Lions Club.

For all of the foregoing reasons, the court finds that the plaintiffs cannot establish probable cause of success on the merits of their claims on counts eight through eleven.

52-196a(f)(1), the defendants are entitled to reasonable attorneys fees and costs. The court will address those issues, if necessary, once the court's decision regarding dismissal becomes final.

CONCLUSION

Pursuant to the mandates of  General Statutes § 52-196a, the court grants the special motion to dismiss. Under  §

All Citations

Not Reported in Atl. Rptr., 2019 WL 994532, 67 Conn. L. Rptr. 750

Footnotes

- 1 The defendant Sheree **Dodge** in her special motion to dismiss and affidavit is identified as Sheree Swenson-**Dodge**.
- 2 The parties did not object to the continuance of the hearing.
- 3 The plaintiffs filed additional exhibits unsupported by affidavits. There was no objection to the additional exhibits.
- 4 SLAPP is an acronym for “Strategic Lawsuits Against Public Participation,” and is a form of vexatious litigation “to punish and intimidate citizens who petition state agencies and have the ultimate effect of ‘chilling’ any such action.”  *Field v. Kearns*, 43 Conn.App. 265, 276, 682 A.2d 148, cert. denied, 239 Conn. 942, 684 A.2d 711 (1996). As a result, legislatures enact anti-SLAPP statutes, such as  § 52-196a, to allow courts to dismiss frivolous and vexatious actions.
- 5  Section 52-196a(a)(3) provides: “ ‘[R]ight to petition the government’ means (A) communication in connection with an issue under consideration or review by a legislative, executive, administrative, judicial or other governmental body, (B) communication that is reasonably likely to encourage consideration or review of a matter of public concern by a legislative, executive, administrative, judicial or other governmental body, or (C) communication that is reasonably likely to enlist public participation in an effort to effect consideration of an issue by a legislative, executive, administrative, judicial or other governmental body.”
- 6  Section 52-196a protects the right of free speech, right to petition the government, and right of association whereas the Massachusetts statute only protects the right to petition the government.  Mass. Gen. Laws. ch. 231, § 59H.
- 7 The General Assembly subsequently amended § 17a-101e(b) to take effect on July 1, 2018. The older version is applicable here because it was the statute in effect at the time of the alleged harm.
- 8 Counts one through seven incorporate by reference paragraphs 2-35 of the complaint. Additionally, in count one, the plaintiffs allege that **Dodge** “knowingly made false accusations of sexual misconduct against the plaintiff”; “fabricated allegations of sexual assault”; and **Dodge's** “actions were inspired by actual malice.” In count two, the plaintiffs allege that the acts of **Dodge** “were intended to inflict emotional distress and were outrageous and beyond the bounds of conduct tolerated in a civilized society.” In count three, the plaintiffs

allege that **Dodge's** conduct “created an unreasonable risk of causing ... emotional distress.” In count four, the plaintiffs allege that “[t]he ‘defendant] had knowledge of, or acted in reckless disregard, as to the falsity of the publicized matter ...” The plaintiffs repeat the same allegations set forth in counts two to four against the defendant Hofmann in counts five through counts eight. The allegations do not set forth any factual bases for malice or bad faith in the defendants' alleged conduct.

- 9 The court considered Keegan **Day's** affidavit where he attests that Hofmann told him that he did not believe the allegations made by **Dodge**. This is unsupported by the affidavit of Hofmann. However, this contradiction does not relieve the plaintiffs of some showing that **Dodge** acted with bad faith.

DOCKET NO. LLI-CV21-5014019-S : SUPERIOR COURT
GOODWIN, JON A. : J.D. OF LITCHFIELD
V. : AT TORRINGTON
MILOT, RAYMOND J. JUNIOR, ET AL : JANUARY 5, 2025

AFIDAVIT

I, Raymond Milot, do on oath depose and say as follows:

1. I am over the age of eighteen (18) years of age and understand the obligations of an oath.

2. I have never met Mr. Jon Goodwin in person.

3. I have never communicated with Mr. Goodwin, whether orally, in writing, electronically, or through an intermediary.

4. At no time have I had any direct or indirect contact with Mr. Goodwin.

5. The limited information I possessed concerning Mr. Goodwin was disclosed to the following individuals or entities:

- a. Law enforcement personnel;
- b. The Connecticut Department of Children and Families (“DCF”);
- c. Joanne Iurato;
- d. Court Personnel; and
- e. My Attorneys

6. I did not disclose any information concerning Mr. Goodwin to members of the public, to community members, or to any other third parties beyond those identified above.

7. At the time I made each disclosure to law enforcement, DCF, Joanne Iurato, Court Personnel, or my Attorneys, I believed the information disclosed to be accurate and relevant to

the circumstances giving rise to those communications.

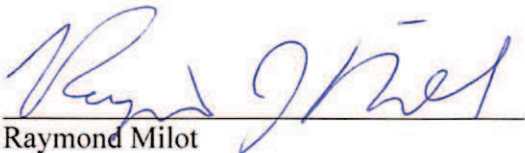
8. Any statements I have made to any individual concerning Mr. Goodwin are true to the best of my knowledge.

9. Any disclosures I made were made in good faith and for the purpose of reporting concerns or responding to legal or agency inquiries.

10. I did not make statements about Mr. Goodwin with the intent of defaming, misrepresenting, or causing harm to his reputation.

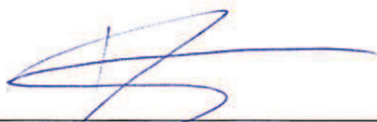
11. I have never knowingly made false statements concerning Mr. Goodwin.

12. That I have read the foregoing and verify that all the allegations contained herein are true to the best of my knowledge.



Raymond Milot

Subscribed and sworn to before me on January 5th, 2026:



Robert A. Salerno
Commissioner of the Superior